IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

CRP.No. 300 of 2004()

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AGAINST THE ORDER DATED 17/11/2003 IN EA 55/03 IN EP 40/95 IN LAR.28/1990 of SUB COURT, MANJERI

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REVN. PETITIONER: RESPONDENT/CLAIMANT

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VASUDEVAN NAMBOODIRI, VILAKKAT MANA,
KARUVAMBARUM WEST P.O., MANJERI.

BY ADV. SRI.DINESH MATHEW J.MURICKEN
SRI.P.V.BALAKRISHNAN

RESPONDENTS: PETITIONER/RESPONDENT

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1. THE DISTRICT COLLECTOR, MALAPPURAM.

2. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER MR.SHYSON P.MANGUZHA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO.847 OF 2004 IN C.R.P.NO.300 OF 2004

DISMISSED

24.5.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

**PIUS C. KURIAKOSE,J.**

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C.R.P.No.300 of 2004

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Dated: 24th May, 2007

**ORDER**

Having regard to the grounds raised in the C.R.P. and the submissions of Mr.Dinesh Mathew J.Murikan, learned counsel for the petitioner and those of Mr.Shyson P.Manguzha, learned Government Pleader, I am of the view that E.A.No.55 of 2003 requires to be reconsidered by the learned Subordinate Judge in the light of the subsequent pronouncements of the Supreme Court in **Gurpreet Singh v. Union of India** (2006 AIR SCW 5813) and **Sunder v. Union of India** (AIR 2001 S.C. 3516). I am also informed that claiming that a sum over Rs.One Lakh is due from the Government a fresh execution petition is submitted by the revision petitioner. For both these reasons, the impugned order is set aside and the learned Subordinate Judge is directed to take a fresh decision on E.A.No.55 of 2003 in the light of the decisions referred to above. The learned Subordinate Judge will consider E.A.No.55 of 2003 along with E.P.No.41 of 2003.

The C.R.P. is allowed as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**